

## FIFTY-FIFTH DAY

(Friday, April 14, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by the Speaker.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Hamilton
Allen	Hankamer
Allison	Hardeman
Alsup	Hardin
Anderson	Harp
Bailey	Harper
Baker	Harrell of Bastrop
of Fort Bend	Harrell of Lamar
Baker of Grayson	Harris
Bell	Heflin
Boethel	Holland
Bond	Howington
Boyd	Hunt
Boyer	Isaacks
Bradbury	Johnson of Ellis
Bradford	Johnson of Tarrant
Bray	Keith
Bridgers	Kennedy
Broadfoot	Kern
Brown of Cherokee	Kerr
Brown	Kersey
of Nacogdoches	Kinard
Bundy	King
Burkett	Langdon
Burney	Lehman
Cauthorn	Leonard
Celaya	Leyendecker
Chambers	Little
Clark	Lock
Cleveland	Loggins
Cockrell	London
Coleman	Mays
Colson, Mrs.	McAlister
Cornett	McDaniel
Corry	McDonald
Crossley	McFarland
Daniel	McMurry
Davis of Jasper	McNamara
Davis of Upshur	Mohrmann
Derden	Monkhouse
Dickison	Montgomery
Donaghey	Morris
Dwyer	Newell
Faulkner	Nicholson
Felty	Oliver
Ferguson	Pace
Fielden	Petsch
Fuchs	Pevehouse
Galbreath	Pope
Gilmer	Ragsdale
Goodman	Reader of Bexar
Gordon, Mrs.	Reader of Erath
Hale	Reaves

Reed	Tarwater
Rhodes	Taylor
Riviere	Tennant
Roach	Thornberry
Roberts	Thornton
Robinson	Turner
Russell	Vale
Schuenemann	Vint
Shell	Voigt
Skiles	Waggoner
Smith of Frio	Weldon
Smith of Hopkins	Westbrook
Smith	Wilson
of Matagorda	Winfree
Spencer	Wood
Stinson	Worley
Stoll	Wright
Talbert	

Absent

Colquitt	White
Hartzog	

Absent—Excused

Blankenship	Hull
Dean	Piner
Dickson	Segrist
Dowell	Wells
Howard	

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Almighty God, at this time, when the world is stirred perhaps as never before by war and rumors of war, we pray that wisdom in large measure be given our President and other leaders. As unholy ambition and greed march on, we pray that our own nation may be used largely as an influence for peace, if such be possible and best. Endow us here with judgment and vision in our own field of effort. For Christ's sake. Amen."

## LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Blankenship for today, on motion of Mr. Lehman.

Mr. Segrist for today, on motion of Mr. Stinson.

Mr. Dickson for today, on motion of Mr. Pevehouse.

Mr. Piner for today, on motion of Mr. Morris.

Mr. Talbert temporarily for today, on motion of Mr. Kennedy.

The following Member was granted leave of absence on account of illness:

Mr. Hull for today, on motion of Mr. Newell.

#### HOUSE BILLS ON FIRST READING

The following House Bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Burney:

H. B. No. 982, A bill to be entitled "An Act prescribing the means by which fish may be taken from the waters of Coryell County; prohibiting the sale of catfish taken in that county; repealing all conflicting laws; providing a penalty, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

Mr. Westbrook asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 983.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Westbrook:

H. B. No. 983, A bill to be entitled "An Act providing relief for the Common and Independent School Districts of Sabine County and San Augustine County, Texas, made necessary by reason of the fact that the Federal Government has purchased large portions of lands hereinafter referred to, thereby taking off the tax rolls of such districts a large portion of the taxable valuation; making an appropriation for each year of the biennium, 1939-41, for said districts in said Counties to enable them to continue their program of education, and declaring an emergency."

Referred to the Committee on Appropriations.

#### MOTION TO RE-REFER HOUSE BILL NO. 733

Mr. Coleman moved that House Bill No. 733 be withdrawn from the Committee on Highways and Motor Traffic, and referred to the Committee on Agriculture.

On motion of Mr. Wood, the motion to re-refer was tabled.

#### BILL RE-COMMITTED

On motion of Mr. Shell, House Bill No. 854 was recommitted to the Committee on School Districts.

#### TO GRANT PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, House Concurrent Resolution No. 72, by Mr. Harp, To grant L. L. White permission to sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

The resolution was then adopted.

#### RELATIVE TO HOUSE BILL NO. 903

By unanimous consent of the House, the following amendments by Mr. White, were adopted to House Bill No. 903:

Amend House Bill No. 903 to provide a saving clause.

Amend House Bill No. 903, as follows:

Change the word "article," or "articles," wherever preceded by the word, "preceding," to "Section," or "Sections."

Amend the caption of House Bill No. 903 to conform to the changes, and to the body of the bill.

#### RELATIVE TO HOUSE BILL NO. 965

By unanimous consent of the House, the following amendment by Mr. Shell, was adopted to House Bill No. 965:

Amend emergency clause by adding after the word, "suspended," and before the word "and," the following: "and this Act shall take effect and be in force from and after its passage."

#### HOUSE BILL NO. 180 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as pending business, on its passage to engrossment,

H. B. No. 180, A bill to be entitled "An Act to amend Chapter 23 of the Acts of the Third Called Session of the Thirty-sixth Legislature of the State of Texas, same being an Act

entitled: 'An Act to aid the City of Rockport in constructing seawalls, breakwaters, revetments and shore protections by donating to the city the ad valorem taxes to be collected by the State of Texas on all property and from all persons owning property situated in Aransas County, Texas, for a period of twenty years, and to authorize said city to issue bonds for the purposes mentioned, and to provide a penalty for the misapplication of funds raised therefrom, and to declare an emergency.' By extending the provisions of said Act for a period of forty years from September 1st, 1920 and to aid the City of Rockport to pay interest and sinking funds upon outstanding bonds heretofore issued, the proceeds of which have been used exclusively in constructing and maintaining seawalls, breakwaters and shore protection to protect the City of Rockport and to issue bonds for the purpose of constructing seawalls, breakwaters, revetments and shore protection to protect said City of Rockport."

The bill having heretofore been read second time.

Mr. Shell moved to reconsider the vote by which the amendment by Mr. Keith was on last April 3, adopted.

Mr. Morris moved to table the motion to reconsider.

The motion to table was lost.

Question then recurring on the motion to reconsider the vote by which the amendment by Mr. Keith was heretofore adopted, it prevailed.

Question then recurring on the amendment by Mr. Keith, it was lost.

House Bill No. 180 was then passed to engrossment.

#### MOTION TO PLACE HOUSE BILL NO. 180 ON THIRD READING

Mr. Shell moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 180 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—88

Allison	Baker
Alsup	of Fort Bend
Anderson	Bell

Boethel	Lehman
Bond	Leonard
Boyer	Leyendecker
Bradford	Lock
Bridgers	Loggins
Broadfoot	Mays
Bundy	McAlister
Burney	McDaniel
Cauthorn	McMurry
Chambers	McNamara
Clark	Mohrmann
Cleveland	Monkhouse
Cockrell	Montgomery
Coleman	Newell
Colson, Mrs.	Nicholson
Davis of Jasper	Pace
Derden	Pevehouse
Dickison	Pope
Donaghey	Ragsdale
Felty	Reader of Bexar
Fielden	Reader of Erath
Fuchs	Reed
Galbreath	Rhodes
Gilmer	Roach
Goodman	Roberts
Gordon, Mrs.	Robinson
Hamilton	Schuenemann
Hankamer	Shell
Harp	Skiles
Harper	Smith of Frio
Harrell of Bastrop	Smith
Harrell of Lamar	of Matagorda
Hartzog	Stinson
Howington	Taylor
Hunt	Thornton
Isaacks	Turner
Johnson of Ellis	Vale
Johnson of Tarrant	Westbrook
Kern	White
Kersey	Wilson
Kinard	Winfree
King	Wright

Nays—32

Allen	McFarland
Bailey	Morris
Baker of Grayson	Petsch
Boyd	Reaves
Brown	Russell
of Nacogdoches	Smith of Hopkins
Cornett	Spencer
Corry	Stoll
Crossley	Talbert
Davis of Upshur	Tennant
Ferguson	Thornberry
Hale	Vint
Hardeman	Waggoner
Hardin	Weldon
Kennedy	Wood
Kerr	Worley
Langdon	

## Absent

Bradbury	Heflin
Bray	Holland
Brown of Cherokee	Keith
Burkett	Little
Celaya	McDonald
Colquitt	Oliver
Daniel	Riviere
Dwyer	Tarwater
Faulkner	Voigt
Harris	

## Absent—Excused

Blankenship	Hull
Dean	London
Dickson	Piner
Dowell	Segrist
Howard	Wells

Mr. Shell moved to reconsider the vote by which House Bill No. 180 was passed to engrossment.

The motion to reconsider prevailed.

Question—Shall H. B. No. 180 pass to engrossment?

Mr. Keith raised a point of order, on further consideration of the motion by Mr. Shell to reconsider the vote by which the amendment by Mr. Keith was heretofore adopted, on the ground that the motion to reconsider comes too late.

The Speaker sustained the point of order.

Mr. Shell moved to suspend the Rules relative to the making of motions to reconsider for the purpose of making a motion to reconsider the vote by which the amendment by Mr. Keith was adopted.

The motion to suspend the Rules prevailed.

(Pending consideration of the motion to reconsider, Mr. Leonard occupied the Chair temporarily.)

(Speaker in the Chair.)

## HOUSE BILL NO. 55 ON FINAL PASSAGE

The Speaker laid before the House, on its final passage,

H. B. No. 55, A bill to be entitled "An Act requiring the Railroad Commission of Texas to prescribe rules and regulations governing the issuance of tickets and bills of lading by intrastate motor bus and truck carriers for transportation of passengers and property for hire; defining intrastate operators; preventing the use of bills of lading and passenger tickets by intrastate operators which have been

issued by those engaged in intrastate and foreign commerce; providing penalties for the violation of the provisions of this Act; repealing all laws in conflict herewith, and declaring an emergency."

The bill having been read third time.

Mr. Pope offered the following amendments to the bill:

Amend House Bill No. 55, page 1, line 7, by striking out the word "intrastate," and inserting in lieu thereof the word "interstate."

Amend House Bill No. 55, page 2, line 24, by striking out the word "intrastate," and inserting in lieu thereof the word "interstate."

Amend House Bill No. 55, page 2, line 8, by striking out the word "intrastate," and inserting in lieu thereof the word "interstate."

There were no objections to the amendments and they were unanimously adopted.

Mr. Goodman offered the following amendment to the bill:

Amend House Bill No. 55, by striking out all below the enacting clause and insert in lieu thereof, the following:

"Section 1. All intrastate motor bus carriers for hire upon application of any person for transportation on, over or by such intrastate bus carrier shall issue its or their own tickets to such passengers and shall authenticate, validate or certificate such passenger tickets or fares in accordance with the provisions of this Act.

Sec. 2. That in Subsection (c) of Section 202 of the Federal Motor Carrier Act, 1935, it is expressly provided that nothing therein shall be construed to affect the powers of the several States or to authorize a motor bus to do an intrastate business on the highways of any State, or to interfere with the exclusive exercise by such State of the power of regulations of intrastate commerce by motor bus carriers on the highways thereof; and that it is further provided in said Federal Motor Carrier Act, 1935, in Subsection (a) of Section 206, that said Federal Motor Carrier Act, 1935, shall not be so construed as to require any motor bus carrier lawfully engaged in operating solely within any State to obtain from the Interstate Commerce Commission a certificate authorizing the transportation by such carrier of passengers in intrastate or

foreign commerce, between places within such State if there be a board in such State having authority to grant or approve such certificate or if such carrier has obtained such certificate from such board. That there is a board within the State of Texas known as the Railroad Commission of Texas charged with the power of having full authority to grant and approve such certificates. That the limitations of said Federal Motor Carrier Act, 1935, set forth above, are herein adopted and made the law of the State of Texas and the Railroad Commission of Texas is hereby directed and commanded to be governed by said limitations and provisions of said Federal Motor Carrier Act, 1935, as herein set forth and make all rules and regulations necessary to require such intrastate carriers of passengers not to accept any ticket, pass or other right of a passenger for transportation from any intrastate or foreign carrier of passengers or property.

Sec. 3. That the Railroad Commission of Texas shall make all rules and regulations necessary for the receipt of passengers by intrastate motor bus carriers under the provisions and limitations of Section 2 hereof and if any of such passengers be previously carried by any carrier of interstate or foreign commerce, such passengers shall not be carried by any intrastate motor bus carrier except on a contract made in Texas and until such carrier of interstate or foreign commerce shall have completed its contract of carrying such passengers from without the State to connecting points with said intrastate carriers within the State. That the Railroad Commission of Texas shall provide in said rules and regulations a method by which a passenger arriving over an interstate motor bus at a point in Texas shall not be received by an intrastate bus until such passenger shall have reached his interstate destination and purchased a ticket from an intrastate motor bus carrier and become an intrastate passenger. That the Railroad Commission shall make rules and regulations for the handling of such passengers by intrastate motor bus carriers so that such intrastate carrier shall make their contracts wholly in Texas and carry or transport such passengers wholly within the State under permits from the Railroad Commission of Texas and

such motor bus carriers shall submit themselves to the regulations which the Railroad Commission of Texas shall require. That the Railroad Commission of Texas shall provide in such rules and regulations for the licensing and regulating of both driver and vehicle as will provide for the safety, security and general welfare of the general public as provided by laws of Texas now in force, or as may hereafter be amended under the limitations set forth in this Act. That the Railroad Commission in making such rules and regulations for the handling of such passengers by intrastate motor bus carriers shall in no event provide a method by which an intrastate motor bus carrier can issue a passenger ticket or pass to any point from within the State of Texas to some point beyond or without the State of Texas and said intrastate motor buses carriers shall not issue any ticket or pass for passengers to be handled or transported except between points wholly within the State of Texas.

Sec. 4. That every motor bus carrier transporting passengers on tickets or passes issued by such motor bus carrier for transportation between points wholly within the State of Texas and not issuing any such tickets or passes to be used between a point within the State of Texas and a point without the State of Texas is hereby defined to be an intrastate motor bus carrier. Bus carrier and an intrastate motor truck carrier of passengers is hereby defined to be intrastate commerce.

Sec. 5. Any officer, agent, servant or employee of any corporation, and every other person, who violates or fails to comply with or who procures, aids or abets in the violation of any provision of the Act, shall be guilty of misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed Five Hundred (\$500.00) Dollars or by imprisonment in the county jail not exceeding one year; or by both such fine and imprisonment; and the violations occurring on each day shall constitute a separate offense.

Sec. 6. Any officer, agent, servant or employee of any company, as heretofore defined, or the owner or operator, officer, servant, agent or employee, or any such owner or operator of any bus terminal, who violates or fail to obey, observe or comply with any order, decision, rule or regulation,

direction, demand or requirement of said Commission, shall be subject to and shall pay a penalty not exceeding Five Hundred (\$500.00) Dollars, for each and every day of such violation. Such penalty to be recovered in any court of competent jurisdiction in Travis County, Texas, or in the county in which the violation occurs. Suit for such penalty or penalties shall be instituted and conducted by the Attorney General of the State of Texas, or by the county or district attorney of the county in which the violation occurs, in the name of the State of Texas and by direction of the Railroad Commission of Texas.

Sec. 7. Upon the violation of any provisions of this Chapter, or upon the violation of any rule, regulation, order or decree of the Railroad Commission of Texas, promulgated under the terms of this Act, any District Court of Travis County, Texas, or any District Court of any county where such violation occurs, shall have the power to restrain and enjoin the person, firm or corporation so offending from further violating the provisions of this Act, or from violating the rules, regulations, orders and decrees of said Commission.

Sec. 8. The fact that there it at this time a large number of individuals, firms and corporations using the highways of this State for the transportation of persons for hire by motor-propelled vehicles, and the further fact that the present law does not effectively regulate this extensive business, and the fact that no law adequately protects the public in its dealings with such carriers, and in its use of the highways, or defines intrastate commerce by such carrier, creates an emergency and a public necessity requiring the suspension of the constitutional rule which requires all bills to be read in each House on three several days, and that such rule be, and the same is hereby; suspended and that this Act shall take effect from and after its passage, and it is so enacted."

Mr. Goodman offered the following amendment to the amendment:

Add Section 6A—"That every motor bus carrier shall file with the Railroad Commission a compliance bond of \$1,000.00."

The amendment to the amendment was unanimously adopted.

Question—Shall the amendment, by Mr. Goodman, as amended, be adopted?

#### HOUSE BILL NO. 912 ON SECOND READING

The Speaker laid before the House, as a special order, on its second reading and passage to engrossment.

H. B. No. 912, A bill to be entitled "An Act further regulating the sale, transportation, storage, manufacturing, etc., of alcoholic beverages in this State under the Texas Liquor Control Act by repealing Subsection (d) of Section 3, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Section 1 of House Bill No. 5, Acts of the Revised Statutes of the Forty-fifth Legislature; by amending Sections 4(a), 11, 15(b), 15(c), 17, 19, 21, 29, 30, 32, 33, 35, 37, 38, 39 and 41 of Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by House Bill No. 8, Acts of the Third Called Session of the Forty-fourth Legislature, etc., and declaring an emergency."

The bill was read second time.

Mr. Bell offered the following committee amendment to the bill:

Amend House Bill No. 912 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. That subsection (d) of Section 3, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Section 1 of House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature, be in all things repealed.

"Sec. 2. That Section 4(a), Section 11, Section 15 (b), Section 15 (c), Section 17, Section 19, Section 21, Section 29, Section 30, Section 32, Section 33, Section 35, Section 37, Section 38, Section 39, and Section 41, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by House Bill No. 8, Acts of the Third Called Session of the Forty-fourth Legislature, House Bill No. 432, Acts of the Regular Session of the Forty-fifth Legislature, House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature, and Senate Bill No. 20, Acts of the

First Called Session of the Forty-fifth Legislature, be amended so as to hereafter read as follows:

"Sec. 4 (a). It shall be unlawful for any person to manufacture, distill, brew, sell, possess for the purpose of sale, import into this State, export from the State, transport, distribute, warehouse, store, solicit orders for, take orders for, or for the purpose of sale to bottle, rectify, blend, treat, fortify, mix, or process any liquor in any wet area without first having procured a permit of the class required for such privilege."

"Sec. 11. The Board or Administrator shall refuse to issue a permit to any applicant either with or without a hearing if it has reasonable grounds to believe and finds any of the following to be true:

"(1). That the applicant has been convicted of the violation of any provision of this Act during the two years next preceding the filing of his application.

"(2). That the applicant has violated or caused to be violated any provision of this Act or any rule or regulation of the Board during the twelve (12) months preceding the date of his application.

"(3). That the applicant has failed to answer or has incorrectly answered any of the questions on the application.

"(4). That the applicant is indebted to the State for any taxes, fees, or penalties imposed by this Act or by any rule or regulation of the Board.

"(5). That the applicant is not of good moral character, that his reputation for being a peaceable, law-abiding citizen in the community where he resides is bad, or that he is under twenty-one (21) years of age.

"(6). That the place or manner in which the applicant may conduct his business is of such nature which, based on the general welfare, health, peace, morals, and safety of the people and on the public sense of decency, warrants a refusal of a permit.

"(7). That the applicant is in the habit of using liquor to excess.

"(8). That the Board or Administrator believes or has reason to believe that the applicant will sell or knowingly permit any agent, servant, or employee to unlawfully sell liquor

in dry area or in any other manner contrary to law.

"(9). When the word 'applicant' is used in (1) to (9) in this Section, it shall also mean and include each member of a partnership or association of all officers and the owner or owners of the majority of the corporate stock of a corporation.

"(10). It is hereby declared that the provisions of this Section are required to be applied only to applicants who are newly engaging in the liquor business or who have allowed previous permits or licenses to expire without renewing the same, or whose permits or licenses have been cancelled under any authority contained in this Act. As to those applicants seeking renewal of unexpired permits the Board or Administrator shall be vested with discretionary authority to refuse or grant such permits under the restrictions of this Section."

"Sec. 15 (b). All permit fees levied by this Act except Wine and Beer Retailer's Permits issued to other than railway dining, buffet, or club cars shall be paid in advance for one year unless such fee be collected for only a portion of the year. In such event, the fee required shall cover the period of time from the date of the permit to midnight of August 31st succeeding, and only the proportionate part of the fee levied for such permit shall be collected. The fractional part of any month remaining shall be counted as one month in calculating the fee that shall be due. A separate permit shall be obtained and a separate fee paid for each outlet of liquor in this State. No refund of permit fees shall for any reason be made by the Board, except when the permittee is prevented from continuing in business by reason of the result of a local option election, or upon the rejection of an application for a permit by the Board or Administrator. So much of the proceeds derived from permit fees under the provisions of this Article as may be necessary are hereby appropriated for that purpose."

"Sec. 15 (c). (1). All permits provided for in Article I of this Act, except Wine and Beer Retailer's Permits other than for railway dining, buffet, or club cars shall be applied for and obtained from the Board. No-

tice of all applications filed with the Board except Wine and Beer Retailer's, Carrier's, Private Carrier's, Industrial, Agent's, Bonded Warehouse, and Storage Permits shall be given to the County Judge of the county wherein applicant's place of business is located, except where such notice is waived in writing by the County Judge. Such notice shall be given by the Board. Each application shall be accompanied by a cashier's check or a money order for the amount of the fee due the State, payable to the order of the State Treasurer.

"(2). No applicant for renewal of permit shall be required to publish notice of such application for renewal. Applications for renewal of permits shall be made under oath and shall contain all information required of the applicant by the Board or Administrator showing such applicant is not disqualified from holding a permit under this Act. Such application shall be accompanied by proper bond and remittance of required fee. Upon finding that such applicant is qualified under the terms of this Act, the Board or Administrator is authorized to issue the permit sought to be renewed. All application forms shall be furnished by the Board.

"(3). In the event any person holding a permit under the terms of this Article desire to change the location of his place of business, he may file his application for such change with the Board on a form to be prescribed by the Board, and the Board or Administrator may deny such application upon any grounds for which an original application may be denied. Any such application may be subject to protest and hearing as though it were an application for a new permit."

"Sec. 17. (1). It shall be unlawful for any person holding a package store permit, or owning an interest in a package store, to have any interest or owning an interest in a package store, to have any interest, either directly or indirectly, in a Wine and Beer Retailer's Permit, or Beer Retailer's License, or the business thereof.

"(2). It shall be unlawful for any person to hold or have an interest in more than Five (5) package stores or the business thereof. It shall fur-

ther be unlawful for any person to hold or have an interest in more than five (5) package store permits.

"(3). It shall be unlawful for any person who owns or has an interest in the business of a distiller, brewer, rectifier, wholesaler, winery, or wine bottler, either within or without this State, or any agent, servant, or employee of either of them:

"(a). To own or have an interest, directly or indirectly, in the business, premises, equipment, or fixtures of any retail liquor dealer;

"(b). To furnish, give, or lend any money, service, or other thing of value, or to extend unusual credit terms to any retailer, or to any person for the use, benefit or relief of such retailer, or to guarantee the fulfillment of any financial obligation of any retailer;

"(c). To make or enter, or offer to enter, into an agreement, condition or system, the effect of which will amount to the shipment and delivery of alcoholic beverages on consignment;

"(d). To furnish, give, rent, lend, or sell to any retail dealer any equipment, fixtures, or supplies to be used in the selling or dispensing of alcoholic beverages;

"(e). To pay or make any allowances to any retailer for an advertising or distribution service, or to allow any discounts;

"(f). To give, or offer to give, any prize, premium, gift, rebate, or discount to any retailer or consumer, or the agent, servant, or employee of either;

"(g). To solicit or take orders for, or to deliver or sell any liquor conditioned on any promise made or offered, or any act done in violation of Subsections (e) and (f) of this Section;

"(h). The Board shall have authority to promulgate such rules and regulations as may be necessary to require the filing of reports, price lists, or other data, as will provide proper determination of discounts and allowances as referred to herein.

"(4). It shall be unlawful for any person operating under a permit under Article I of this Act to refuse to allow the Board, or any authorized representative of the Board, or any peace officer, upon request to make a full inspection, investigation or

search of any licensed premises or vehicle.

"(5). It shall be unlawful for any person to employ anyone under twenty-one (21) years of age to sell, handle, transport, or dispense or to assist in selling, handling, transporting, or dispensing any liquor.

"(6). It shall be unlawful for any person who holds a permit under Article I of this Act to contribute any money or other thing of value toward the campaign expenses of any candidate for any office in this State.

"(7). It shall be unlawful for any person to possess, buy, sell, or offer to buy or sell any empty carton, case, package, keg, barrel, bottle, or any other kind of container whereon the State tax stamp has not been mutilated or defaced.

"(8). It shall be unlawful for any person to break or open any container containing liquor, or to possess such opened container of liquor on the premises of a package store.

"(9). It shall be unlawful for any person to sell, barter, exchange, deliver, or give away any drink or drinks of liquor to any person from a package or container that has for any reason been opened or broken at, on, or near the premises of a package store.

"(10). It shall be unlawful for any person to fail or refuse to comply with any requirement of this Act or with any valid rule and regulation of the Board.

"(11). It shall be unlawful for any person, directly or indirectly, to be interested in, connected with, or be a party to a consignment sale as herein defined.

"(12). It shall be unlawful for any person to have in his possession, to transport, manufacture or sell any illicit beverage.

"(13). It shall be unlawful for any person to import, sell, offer for sale, barter, exchange, or possess for the purpose of sale any liquor in containers of less than one-half pint; provided, however, that six (6) ounce containers shall be the minimum sized container for malt or vinous liquors.

"(14). It shall be unlawful for any person to have curtains, hangings, signs, or any other obstruction which prevents a clear view of the interior of any package store; provided, however, that this shall not apply to a drug store which holds a package

store permit so as to prevent the display of drug merchandise.

"(15). It shall be unlawful for any person to sell or offer to sell any alcoholic beverage that shall have been authorized by any permit or license held by him after notice of cancellation or suspension of such permit or license by the Board or Administrator shall have been given.

"(16). It shall be unlawful for any carrier to import into this State and deliver any liquor to any person not authorized to import the same, or to transport and deliver liquor to any person in a dry area in this State, unless the same be for a lawful purpose as provided in this Act.

"(17). It shall be unlawful for any person to manufacture, import, sell, or possess for the purpose of sale any alcoholic beverages made from dried grapes, dried fruits, and dried berries, or any compounds made from synthetic materials, substandard wines or from must concentrated at any time to more than Eighty Degrees (80) Balling.

"(18). It shall be unlawful for any person to import or to transport into this State from any place outside the State any liquor in containers to which have not been affixed proper State tax stamps consigned to, intended for delivery to, or being transported to any person or place located within the State boundaries, unless the same shall be consigned to the holder of a wholesaler's permit authorizing the sale of such liquor and at his place of business.

"(19). It shall be unlawful for any person to use, display, or to exercise any privilege granted by a permit except at the place, address, premises, or location for which the permit is granted.

"(20). It shall be unlawful for any person to consent to the use of or to allow his permit to be displayed by or used by any person other than the one to whom the permit was issued."

"Sec. 19. (a). If a person has been finally convicted in any court for the violation of this Act, the Board or Administrator may cancel or suspend any permit which he may hold or in which he may have an interest and no appeal from such action shall be allowed.

"(b) If the permit of any person has been cancelled by the Board or

Administrator and no appeal is pending, the Board may in the name of the State institute action upon the bond supporting such permit for the benefit of the State, all moneys derived by such action to be allocated to the use and benefit of the Texas Old Age Assistance Fund. Upon proof of cancellation of the permit, the court before whom such suit is brought shall render judgment in favor of the Board for all fines, costs, and fifteen (15) per centum of the face value of the bond.

"(c). If any permittee shall fail to remit seasonably any money due the State, the surety on his bond shall be liable for all such taxes or money due the State and in addition thereto a penalty of fifteen (15) per centum of the face value of the bond: Suits for the collection of any of the amounts herein specified shall be brought in any court of competent jurisdiction of Travis County, Texas.

"(d). Nothing in the Act shall be construed to impose upon the surety on any such bond a greater liability than the total amount thereof or the amount remaining unextinguished by any prior recovery or recoveries as the case may be.

"(e). The surety may terminate its liability under such bond by giving thirty (30) days' written notice thereof, served either personally or by registered mail, to the principal and to the Board; and upon giving such notice the surety shall be discharged from all liability under such bond for any act or omission of the principal occurring after the expiration of thirty (30) days from the date of service of such notice. Unless on or before the expiration of such period, the principal shall duly file a new bond in like amount and conditioned as the original in substitution of the bond so terminated, the permit of the principal shall likewise terminate upon the expiration of such aforesaid thirty day period."

"Sec. 21. There is hereby levied and imposed on the first sale in addition to the other fees and taxes levied by this Act the following:

"(a). A tax of Ninety-six (96) Cents per gallon on each gallon of distilled spirits, provided the minimum tax on any package of distilled spirits shall be Six (6) Cents.

"(b). A tax of Ten (10) Cents on each gallon of vinous liquor that

does not contain over fourteen (14) per centum of alcohol by volume.

"(c). A tax of Twenty (20) Cents on each gallon of vinous liquor containing more than fourteen (14) per centum and not more than twenty-four (24) per centum of alcohol by volume.

"(d). A tax of Twenty-five (25) Cents on each gallon of artificially carbonated and natural sparkling vinous liquor.

"(e). A tax of Fifty (50) Cents on each gallon of vinous liquor containing alcohol in excess of twenty-four (24) per centum by volume.

"(f). A tax of Fifteen (15) Cents on each gallon of malt liquor containing alcohol in excess of four (4) per centum by weight.

"The term 'first sale' as used in Article I of this Act shall mean and include the first sale, possession, distribution, or use in this State of any and all liquor refined, blended, manufactured, imported into, or in any other manner produced or acquired, possessed, or brought into this State.

"The tax herein levied shall be evidenced by affixing a stamp or stamps on each bottle or container of liquor. Said stamps shall be affixed in strict accordance with any rule or regulation promulgated in pursuance of this Act; provided, however, any holder of a permit as a retail dealer as that term is defined herein shall be held liable for any tax due on any liquor sold on which the tax has not been paid.

"It shall be the duty of each person who makes a first sale of any liquor in this State to affix said stamps on each bottle or container of liquor and to cancel the same in accordance with any rule and regulation of the Board. The Board shall have power to relax the foregoing provision when in its judgment it would be impracticable to require the affixing of such stamp on the bottle or container. In the case of wines, the stamp shall be affixed to every container intended to be sold as an unbroken package to the ultimate consumer. It shall be unlawful for any person to sell for consumption on the premises where sold any wine from a container not having the State tax stamp affixed thereto. Every holder of a permit authorizing the wholesaling of liquor, upon receipt of a shipment of liquor for sale within this State, under the

provisions of this Act, shall prepare and furnish such information and such reports as may be required by rules and regulations of the Board. Any person authorized to export liquor from this State having in his possession any liquor intended for shipment to any place without the State, shall keep such liquors in a separate compartment from that of liquors intended for sale within the State so that the same may be easily inspected and shall attach to each such package of liquor so intended for shipment without the State a stamp of the kind and character that shall be required by proper rule or regulation denoting that the same is not intended for sale within the State. When such liquors are so kept and so stamped no tax on account thereof shall be charged. For defraying the expense thereof, a charge of Twenty-five (25) Cents shall be made for every such stamp, except that a charge of Ten (10) Cents shall be made for each such stamp placed on vinous or malt liquors of twenty-four (24) per centum alcoholic content or less. All such permittees authorized to transport liquor beyond the boundaries of this State shall furnish to the Board duplicate copies of all invoices for the sale of such liquors within twenty-four (24) hours after such liquors have been removed from their place of business."

"Sec. 29 (a). Any alcoholic beverage manufactured, distributed, bought, sold, bottled, labelled, rectified, blended, treated, fortified, mixed, processed, warehoused, stored, possessed, imported, or transported in violation of this Act or of any valid rule and regulation adopted by the Texas Liquor Control Board, or on which any tax imposed by the laws of this State has not been paid and the tax stamps affixed thereto, and any alcoholic beverage possessed, kept, stored, owned, or imported with the intent to manufacture, sell, distribute, bottle, label, rectify, blend, treat, fortify, mix, process, warehouse, store, or transport in violation of the provisions of this Act, regardless of the date of production or manufacture thereof, is hereby declared to be a nuisance and is hereby declared to have no property value, and all equipment and all personal property, airplanes, vehicles, or boats kept or used in maintaining the same are hereby declared to be a nuisance and shall

be forfeited to the State as herein-after provided. It shall be the duty of the Texas Liquor Control Board or any of its authorized representatives or any peace officer, upon the discovery of any such nuisance, to seize with or without a warrant all such alcoholic beverages, equipment, airplanes, vehicles, boats, or property kept or used in maintaining the same, and to file immediately with the clerk of the district court of the county wherein such property is seized and with the Texas Liquor Control Board at Austin, Texas, a report giving a description of such unlawful alcoholic beverages, equipment, airplanes, vehicles, boats, or property kept or used in maintaining the nuisance, including the ownership, parties from whom possession was taken, of the place or location from where taken and the time of the seizure. No alcoholic beverage or article, except vehicles, so seized shall be replevied, but shall be stored by the Texas Liquor Control Board or the sheriff of the county wherein the property was seized to be held for final action of the court as hereafter provided. Vehicles shall be returned to the owner upon execution by him of a good and valid bond with sufficient sureties in the sum double the appraised value of the property, which said bond shall be approved by the sheriff and shall be conditioned to return said property to the custody of the sheriff upon the date of the trial of the suit against the vehicle to abide judgment of the court having jurisdiction thereof.

"(b). Whenever the Attorney General, the District Attorney, or the County Attorney is notified by the officer making the seizure or by the Texas Liquor Control Board that such seizure has been made, it shall be the duty of the Attorney General, District Attorney, or County Attorney or either of them to institute a suit in rem against such alcoholic beverages and property, such suit to be brought in the name of the State of Texas in any court of competent jurisdiction in the county in which such seizure was made.

"(c). Notice of pendency of such suit shall be served in the manner prescribed by law. Either party to said suit may demand a trial by jury on any issue of fact raised by the pleadings and the case shall proceed to trial as other civil cases. If upon a trial of such suit the alcoholic bever-

age, personal property, equipment, airplane, vehicle, or boat is found to be an alcoholic beverage, personal property, equipment, airplane, vehicle, or boat kept or used in maintaining a nuisance, or found to be a nuisance, then the court trying said complaint shall render judgment forfeiting the same to the State of Texas and ordering the same disposed of as provided for by Section 30 of this Act. The costs of such a proceeding shall be paid by the Board out of funds derived under the provisions of Section 30 of this Article or from any other fund available to the Board for such purpose. As to any property or articles upon which there may be a lien by a bona fide lien holder, the holder of such may intervene to establish such right and shall be required to show such lien to have been granted in a bona fide manner and without knowledge of the fact at the time of creation of the lien that any article or property upon which such lien exists has been used, or was to be used in violation of this Act. If the holder of any such lien shall intervene, then the court trying said cause shall render judgment forfeiting the same to the State of Texas and authorizing the issuance of an order of sale directed to the sheriff or any constable of the county wherein the seized property is held in custody, commanding such officer to sell said property in the same manner as personal property is sold under execution. The Court may order such property sold in whole or in part as it may deem proper and the same shall be conducted at the court house door of the county wherein such property is in custody and shall conform in all respects to the sale of personal property as aforesaid. The money realized from the sale of such property shall be applied first, to the payment of the costs of suit and expenses incident to the sale and after such expenses have been approved and allowed by the court trying the case, then the further proceeds of such sale shall be used to pay all such liens according to priorities, and any remaining proceeds shall be paid to the Board to be allocated as provided in Section 30 hereof. All such liens against property sold under this Section shall be transferred from the property to the proceeds of its sale.

“(d). The sheriff executing said sale shall issue a bill of sale and cer-

tificate to the purchaser of said property, and such bill of sale or certificate shall convey valid and unimpaired title to such property.

“(e). Any room, house, building, boat, airplane, vehicle, structure, or place in which or from which any alcoholic beverage is manufactured, distributed, bought, sold, bottled, rectified, blended, treated, fortified, mixed, processed, warehoused, stored, possessed, imported, or transported in violation of this Act or of any valid rule and regulation adopted by the Texas Liquor Control Board, or any alcoholic beverage possessed, kept, stored, owned, or imported with the intent to manufacture, sell, distribute, bottle, label, rectify, blend, treat, fortify, mix, process, warehouse, store, or transport in violation of the provisions of this Act is declared to be a nuisance. Any person who knowingly maintains, assists in maintaining, or permits such a place to be maintained on premises owned by him or under his control shall be guilty of maintaining a nuisance in violation of this Act. Each day that said person maintains or assists in maintaining a nuisance shall constitute a separate offense.

“(f). Proof that any of said prohibited acts are frequently committed on or in any of such premises shall be prima facie evidence that the proprietor knowingly permitted the same, and evidence that persons have been convicted of committing any of said acts or that after the owner or owners thereof have been notified and warned by the Texas Liquor Control Board or its authorized representative or any peace officer that such acts have been frequently committed and subsequent acts are committed shall be admissible to show knowledge on the part of the defendant that this Act is being violated.

“(g). Whenever the Attorney General or the District or the County Attorney has reliable information that such a nuisance exists, either of them shall file suit in the name of the State of Texas or the Texas Liquor Control Board in the District Court of the county where the nuisance is alleged to exist against whomsoever maintains such a nuisance to abate and enjoin the same. Such proceedings shall be guided by the rules of other injunction proceedings, except that the plaintiff shall not be required to give bond in such action. If judg-

ment be in favor of the State or Board, the judgment of the court shall be rendered abating said nuisance and enjoining the defendants from maintaining the same and shall order that any room, house, building, boat, airplane, vehicle, structure, or place be closed for a period of one year or closed for a part of said time and until the owner, lessee, tenant, or occupant thereof shall give bond as provided in Section 16 of this Article to be approved by the court making the bond in the penal sum of not less than One Thousand (\$1,000.00) Dollars payable to the State and conditioned that alcoholic beverages shall not thereafter be manufactured, distributed, bought, sold, bottled, labelled, rectified, blended, treated, fortified, mixed, processed, warehoused, stored, possessed, imported, or transported in violation of this Act or of any valid rule and regulation adopted by the Texas Liquor Control Board, or any alcoholic beverage possessed, kept, stored, owned, or imported with the intent to manufacture, sell, distribute, bottle, label, rectify, blend, treat, fortify, mix, process, warehouse, store, or transport in violation of the provisions of this Act, and that he will pay all fines, costs, and damages assessed against him for any violation of this Act. If any condition of such bond be violated, the whole amount shall be forfeited as a penalty for the use of the county wherein the premises are situated."

"Sec. 30. (a). All alcoholic beverages and the containers thereof, equipment, airplanes, vehicles, and other property forfeited to the State as nuisances, unless otherwise herein provided, and all illicit beverages and the containers thereof forfeited to the State, shall be turned over to the Board for public or private sale in such place or manner as it may deem best; provided, that the Board shall exercise diligent effort to obtain the best available price for anything thus sold; provided, further, that any bill of sale executed by the Board or Administrator shall convey a good and valid title to the purchaser as to any such property sold. The Board shall sell alcoholic beverages only to the holders of qualified permits or licenses. No alcoholic beverages unfit to be sold for public consumption or of illicit manufacture may be sold by the Board, but are declared a

nuisance per se and may be destroyed by the Board. The certificate of any qualified chemist shall be accepted by the Board as evidence of unfitness of such alcoholic beverages.

"(b). All moneys derived from the sale of any beverages or property shall be placed in a separate fund in the State Treasury, against which may be drawn all expenses incurred in the storage, assembling, custody, and sale thereof, and for other expenses which may be incurred by the Board in the investigation of, the obtaining of evidence and acting against any violations of the provisions of this Act. All money remaining in said fund on each August 31st not obligated under the provisions hereof shall be transferred by the State Treasurer to the Old Age Assistance Fund for the benefit thereof. The funds herein appropriated shall be independent of and in addition to any other appropriations."

"Sec. 32. The Commissioners Court of each county in the State upon its own motion may order an election wherein the qualified voters of any county or of any justice precinct or incorporated town or city may by the exercise of local option determine whether or not the sale of alcoholic beverages of one or more of the various types and alcoholic content shall be prohibited or legalized within the prescribed limits of such county, justice precinct or incorporated town or city; and such court shall order a local option election whenever petitioned to do so by as many as thirty (30) per centum of the qualified voters of said county or of any justice precinct, town or city, taking the votes for Governor at the last preceding general election as the basis for determining the qualified voters in any such county or political subdivision. After the first local option election held as provided in this Act, in any county, justice precinct, incorporated town or city, no subsequent election upon the same issue in the same political subdivision shall be held within two (2) years from the date of the preceding local option election in said county or said political subdivision of said county."

"Sec. 33. When the Commissioners' Court shall order an election as herein provided for, it shall be the duty of said Court to order such election to be held at the voting places within

such county or subdivision thereof, upon a day not less than thirty (30) nor more than sixty (60) days from the date of said order, and the order thus made shall state the issue or issues to be voted upon in such election, and said order shall be held to be prima facie evidence that all provisions necessary to give it validity or to clothe the court with jurisdiction to make it valid, have been duly complied with; provided that such Court shall appoint such officers to hold such elections as are now required to hold general elections."

"Sec. 35. (a). At said election the vote shall be by official ballot which shall have printed or written thereon at the top thereof in plain letters the words 'Official Ballot.' Said ballot shall have also written or printed thereon the issue or issues appropriate to the election order as provided in Section 40 of this Act, and the Clerk of the Court shall furnish the presiding officer of each such voting box within such subdivision or county with a number of such ballots, to be not less than twice the number of qualified voters at such voting boxes, and the presiding officer of each voting box shall write his name on the back of each ballot before delivering the same to the voter, and each person offering to vote at each election shall, at the time he offers to vote, be furnished by such presiding officer with one such ballot; and no voter shall be permitted to depart with such ballot and shall not be assisted in voting by any person except such presiding officer or by some officer assisting in the holding of such election, under the direction of such presiding officer when requested to do so by such voter.

"(b). In elections to legalize the sale of alcoholic beverages those who favor such legalization shall erase the words 'Against legalizing the sale of, etc.,' by making a pencil mark through same; and those who oppose such legalization shall erase the words 'For legalizing the sale of, etc.,' by making a pencil mark through same.

"In elections to prohibit the sale of alcoholic beverages those who favor such prohibition shall erase the words 'Against prohibiting the sale of, etc.,' by making a pencil mark through same; and those who oppose such prohibition shall erase the words 'For prohibiting the sale of, etc.,' by making a pencil mark through same. No

ballot shall be received or counted by the officers at such elections that is not an official ballot, and that has not the name of the presiding officer of such election written thereon in the handwriting of such presiding officer as provided by this Act."

"Sec. 37. Said Court shall hold a special session on the fifth day after the holding of said election, or as soon thereafter as practicable, for the purpose of canvassing the votes and certifying the results, and if a majority of the voters favor the issue 'For prohibiting the sale, etc., or 'Against legalizing the sale, etc., as to any alcoholic beverages of the various types and alcoholic content, said court shall immediately make an order declaring the results of said vote and absolutely prohibiting the sale of such prohibited type or types of alcoholic beverages within the political subdivision after thirty (30) days from the date of declaring the results thereof, and thereafter until such time as the qualified voters therein may thereafter at the legal election held for such purpose by a majority vote decide otherwise; and the order thus made shall be held to be prima facie evidence that all the provisions of law have been complied with in giving notice of and holding said election and counting and returning the votes and declaring the results thereof."

"Sec. 38. The order of said Court declaring the result and prohibiting the sale of any or all types of alcoholic beverages shall be published by the posting of said order at three (3) public places within the county or the political subdivision in which the election was held, which fact shall be entered by the County Judge on the minutes of the Commissioners' Court. An entry thus made or a copy thereof certified under the hand and seal of the Clerk of the Court shall be prima facie evidence of such posting."

"Sec. 39. If a majority voting at such election favor the issue 'For legalizing the sale, etc.,' or 'Against prohibiting the sale, etc.,' as to any alcoholic beverages of the various types and alcoholic content, the Court shall make an order declaring the results and have the same entered of record in the office of the Clerk of said Court, whereupon it shall be lawful in such political subdivision to manufacture, sell or distribute such type or types of alcoholic beverages

as may be favored in the election in accordance with the terms of this Act, until such time as the qualified voters therein may thereafter, at a legal election held for that purpose by a majority vote, decide otherwise, and the order thus made shall be held to be prima facie evidence that all the provisions of law have been complied with in giving notice of and holding said election and counting and returning the votes and declaring the results thereof. It shall be the duty of the County Clerk, within three (3) days after the results of any such election have been declared to certify such results to the Secretary of State at Austin."

"Sec. 41. Any person who violates any provision of Article I or Article II of this Act for which a specific penalty is not provided shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than One Hundred (\$100) Dollars nor more than One Thousand (\$1,000) Dollars or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment. The term 'specific penalty' as used in this Section means and refers only to a penalty which might be imposed as a result of a criminal prosecution."

Sec. 3. That Subsection (d) of Section 45, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature, be amended so-as to read as follows:

"(d). Refunds for liquor stamps may be made by the Board from the revenue derived from the sale of such stamps before the same has been allocated, and so much of such funds as may be necessary is hereby appropriated for that purpose. A refund may be made by the Board in all cases where stamped liquor is returned to the distillery or manufacturer upon certification by an inspector of the Board who inspected the shipment. The Board may also make a refund to any person who was authorized to purchase stamps and who is in possession of unused liquor stamps upon discontinuation of business. In either instance it must be shown that the stamps for which a refund is asked were purchased from the State Treasurer. No other refunds for liquor stamps shall be allowed."

Sec. 4. That Sections 42 and 44, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature, and all amendments to said Sections are hereby repealed.

Sec. 5. That subdivision (6) of Section 12, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Section 12 of House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature, be amended so as to hereafter read as follows:

"(6). That the place or manner in which permittee conducts his business is of a nature which, based on the general welfare, health, peace, morals, and safety of the people and on the public sense of decency, warrants the cancellation or suspension of the permit."

Sec. 6. That Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature be amended by adding thereto a new section known as Section 43, which shall read as follows:

"Sec. 43. No permit or license applied for under the terms of this Act may be issued to any person upon an application, either for an original license or permit, or for any license or permit sought to be transferred from another location, where the premises for which the permit or license is sought is licensed under any permit or license against which an order of suspension by the Board or Administration is pending or unexpired, or against which existing permit or license the Board has initiated action to cancel or suspend."

Sec. 7. That Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, be amended by adding thereto a new section to be known as Section 44, to read as follows:

"Sec. 44. When the terms 'citizen of Texas' and 'citizen of this State' are used in this Act they shall mean not only citizenship in Texas, as required by this Act, but shall also require citizenship in the United States."

Sec. 8. That Section 6, Article II, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Section

50 of House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature, be amended so as to hereafter read as follows:

"Sec. 6. (a). The application of any person desiring to be licensed to manufacture, distribute or sell beer shall be filed in duplicate with the County Judge who shall set same for a hearing at a date not less than five (5) nor more than ten (10) days from the filing of same.

"(b). Upon the filing of any application for a license, the County Clerk shall give notice thereof by posting at the courthouse door a written notice of the filing of such petition, and the substance thereof, and the date of hearing upon such petition. Any citizen shall be permitted to contest the facts stated in said petition and the applicant's right to secure license upon giving security for all costs which may be incurred in such contest should this case be decided in favor of the applicant; provided, however, no officer of a county or any incorporated city or town shall be required to give bond for such costs.

"(c). If upon hearing upon the petition of any applicant for a license, the County Judge finds the facts stated therein to be true and has no other lawful reason for denying the application, he shall enter an order so certifying, and a copy of said order shall be delivered to the applicant; applicant shall thereupon present the same to the Assessor and Collector of Taxes of the county wherein the application is made and shall pay to the Assessor and Collector of Taxes the fee specified in this Article for the class of license applied for; the Assessor and Collector of Taxes shall thereupon report to the Texas Liquor Control Board upon a form prescribed by said Board certifying that the application for license has been approved and all required fees paid, and such other information as may be required by the Board, and to such certificate shall be attached a copy of the original application for license. Upon receiving such report or certification from the Assessor and Collector of Taxes, it shall be the duty of the Board or Administrator to issue the license accordingly if it is found that the applicant is entitled to a license and there are no legal reasons why a li-

cense should not be issued, which license shall show the class of business the applicant is authorized to conduct, amount of fees paid, date, correct address of the place of business, and date of expiration, and such other information as the Board shall deem proper; provided, however, that the Board or Administrator may refuse to issue any such license for any reason for which the County Judge may refuse to issue a license. Upon any such refusal by the Board or Administrator, applicant shall be entitled to refund of any license fee paid to the County Assessor and Collector of Taxes at the time of filing his application.

"(d). If upon hearing upon the petition of any applicant for a license the County Judge finds any facts stated therein to be untrue, the application shall be denied; and it shall be sufficient cause for the County Judge to refuse to grant any license when he has reason to believe that the applicant will conduct his business of selling beer at retail in a manner contrary to law or in any place or manner conducive to violation of the law, or likely to result in any jeopardy to the peace, morals, health, or safety of the general public, or that the place, building or premises for which the license is sought has theretofore been used for selling alcoholic beverages in violation of law at any time during the six months immediately preceding the date of application, or has during that time been a place used or frequented for any purposes contrary to the provisions of this Act or for any purposes offensive to public decency or morals. In the granting or withholding of any license to sell beer at retail, the County Judge in forming his conclusions shall give due and proper consideration to any recommendations made by the District or County Attorney or the Sheriff of the county, and the Mayor and Chief of Police of any incorporated city or town wherein the applicant proposes to conduct his business and to any recommendations made by representatives of the Board.

"(e). In the event the County Judge, Texas Liquor Control Board or Administrator denies the application for a license, he shall enter his judgment accordingly, and the applicant may within thirty (30) days

thereafter appeal to the District Court of the county where such application is made, and such District Court may hear and determine such appeal in term time or vacation and under the same rules and procedure as provided in Section 14, Article I, of this Act. In the event the judgment of the District Court shall be favorable to the applicant and an appeal is taken, a certified copy of the judgment shall be presented to the Assessor and Collector of Taxes who shall thereupon accept the fees required and make report to the Board in the manner required upon like orders issued by the County Judge. In the event the license is finally issued upon order of the District Court and, upon appeal, the order of the District Court be reversed, then the mandate of the appellate court shall, without further proceedings, invalidate and make void the license authorized by order of the District Court, and the holder thereof shall, upon application therefor, be entitled to a refund of the proportionate amount of unexpired fees. So much of the proceeds collected for license fees under this Article as may be necessary for refunds herein provided for are appropriated for that purpose. Any person appealing from a judgment or order under the provisions of this Section shall give bond for all costs incident to such appeal and shall be required to pay such costs if the judgment on appeal is unfavorable to the applicant, but not otherwise; provided, however, no such bond shall be required upon appeals filed on behalf of the State.

"(f). Every person making application for an original license of any class herein provided, except Branch Licenses and Temporary licenses, shall be subject at the time of the hearing thereon to a fee of Five (\$5.00) Dollars, which fee shall, by the County Clerk, be deposited in the County Treasury and the applicant shall be liable for no other fees except said application fee and the annual license fee required of him by this Act.

"(g). No person shall be authorized to sell beer during the pendency of his original application for a license, and no official shall advise or suggest that such action would be lawful or permitted."

Sec. 9. That Subsection (a), Section 7, Article II, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Section 50 of House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature, be amended so as to hereafter read as follows:

"(a). Any license issued under the terms of this Article, except Branch Licenses and Temporary Licenses specifically provided for, shall terminate one year from the date issued, and no license shall be issued for a longer term than one year. When it is desired to renew any license obtained under the procedure provided in this Article, the holder of such license shall make written application to the Assessor and Collector of Taxes of the county of the Licensee's residence not more than thirty (30) days nor less than five (5) days prior to the date of expiration of the license held by him. Such application for renewal shall be signed by the applicant and contain full and complete information required of the applicant by the Board showing such applicant is not disqualified from holding a license under this Act, and applicant shall pay to the Assessor and Collector of Taxes the appropriate license fee for the class of license sought to be renewed. The Assessor and Collector of Taxes shall thereupon transmit to the Board a copy of said application for renewal together with the certification that all required fees have been paid for the ensuing license period; and upon receiving the copy of said application and certification as to the payment of fees, the Board or Administrator may in its discretion issue the license applied for, or may within five (5) days after receipt of such application reject the same and require that the applicant for renewal file application with the County Judge and submit to hearing before such County Judge in the manner required of any applicant for the primary or original license. Any applicant for renewal when such renewal is rejected by the Board or Administrator shall be entitled to refund of any license fee paid to the County Assessor and Collector of Taxes at the time of filing his application for renewal."

Sec. 10. That Subsection (d), Section 7, Article II, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Section 50 of House Bill No. 5, Acts

of the Regular Session of the Forty-fifth Legislature, and as further amended by Section 13 of Senate Bill No. 20, Acts of the First Called Session of the Forty-fifth Legislature, be amended so as to hereafter read as follows:

"(d). No license issued under the provisions of this Article shall be assignable by the holder thereof to any person; provided, that should any holder of a license desire to change the place of business designated in such license, he may do so by applying upon a form prescribed by the Board to the County Judge and receiving his consent or approval, but further providing that the County Judge or the Board or Administrator may deny such application for change in the place of business for any cause for which an original application may be denied. Any such application may be subject to protest and hearing as though it were an original application. No additional license fees for the remaining unexpired term of the license shall be required of the applicant for change of location."

Sec. 11. That Subsection (e), Section 7, Article II, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Section 50 of House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature, and as further amended by Section 14 of Senate Bill No. 20, Acts of the First Called Session of the Forty-fifth Legislature, be amended so as to hereafter read as follows:

"(e). No licensee shall obtain any refund upon the surrender or non-use of any license for the manufacture, distribution, importation, or sale of beer except as otherwise provided in this Article."

Sec. 11 a. That Article II, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended be further amended by the addition of a new Section to be designated as Section 10½ A, inserted immediately following Section 10½, said Section 10½A to read as follows:

"Sec. 10½A. All incorporated cities and towns are hereby authorized in adopting charter amendments or ordinances to distinguish as between retailers selling beer for consumption on the premises where sold and those retailers, manufacturers, or distributors selling not for consumption on the

premises where sold, and to provide for separate and distinct regulations."

Sec. 12. That Section 23, Article II, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Section 50 of the House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature, be amended by the addition of a new subsection (n) to read as follows:

"(n). All funds derived from the sale of beer tax stamps shall be allocated to the use and benefit of the Old Age Assistance Fund of the State of Texas."

Sec. 13. That Section 26, Article II, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Section 50 of House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature, as further amended by Section 20 of Senate Bill No. 20, Acts of the First Called Session of the Forty-fifth Legislature, be amended so as to hereafter read as follows:

"Sec. 26. Any person who violates any provision of this Article shall be guilty of a misdemeanor and the punishment for any such offense shall be as prescribed by Section 41, Article I, of this Act.

"It is provided, however, that in cases where the Administrator or the Board, or any duly authorized representative thereof in writing recommends acceptance of a plea of guilty, and such plea is accepted by the court having jurisdiction, the conviction under such circumstances shall not require cancellation of a license as provided in Section 19 (p) of this Article, but shall leave the question of cancellation of license in such cases to the discretion of the Board or Administrator, having in mind the purposes of this Act."

Sec. 14. That the repeal or amendment of any section or any portion of a section of the Texas Liquor Control Act by the enactment of this bill shall not affect or impair any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any cause before such repeal or amendment shall take effect; but every such act done, or right vested or accrued, or proceeding, suit, or prosecution had or commenced shall remain in full force and effect to all intents as if such

section, or part thereof, so repealed or amended had remained in force, except that where the course of practice or procedure for the enforcement of such right, or the conducting of such proceeding, suit, or prosecution shall be changed, the same shall be conducted as near as may be in accordance with this Act. No offense committed and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the time when any section or part thereof shall be repealed or amended by this Act, shall be discharged or affected by such repeal or amendment; but prosecutions and suits for such offenses, liabilities, penalties, or forfeitures shall be instituted and proceeded with in all respects as if prior statute, or part thereof, had not been repealed or amended, except that where the mode of procedure or matters of practice have been changed by this Act, the procedure had after this Act shall have taken effect in such prosecution or suit shall be, as far as practicable, in accordance with this Act.

Sec. 15. If any part, section, subsection, paragraph, sentence, clause, phrase, or word contained in either Article I or II of this Act shall be held by the courts to be unconstitutional, such holding shall not affect the validity of the remaining portions of the Act, and the Legislature hereby declares that it would have passed such remaining portions despite such invalidity.

Sec. 16. The fact that the present law is inadequate to deal with many phases of liquor control, and the further fact that there exists some conditions requiring immediate correction in the public interest, create an emergency and an imperative public necessity that the Constitutional Rule requiring all bills to be read on three several days in each house be suspended, and such rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Donaghey offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 912, Subsection 3, of Section 11, page 2, line 9, to hereafter read as follows:

"That the applicant has failed to answer or has wilfully and knowingly

incorrectly answered any of the questions on the application."

DONAGHEY,  
LITTLE.

The amendment was adopted.

Mr. Donaghey offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 912, Subsection 8, of Section 11, page 25, by striking out said Subsection, lines 25 to 28, inclusive, and renumbering the remaining Subsections.

DONAGHEY,  
LITTLE.

On motion of Mr. Bell, the amendment by Mr. Donaghey was tabled.

Mr. Bradbury moved the previous question on the committee amendment, and the engrossment of House Bill No. 912, and the main question was ordered.

Question recurring on the committee amendment, as amended, it was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and with the body of the bill.

House Bill No. 912 was then passed to engrossment.

#### HOUSE BILL NO. 912 ON THIRD READING

Mr. Bell moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 912 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—119

Allen	Bundy
Alsup	Burkett
Anderson	Burney
Bailey	Cauthorn
Baker	Celaya
of Fort Bend	Chambers
Baker of Grayson	Clark
Bell	Cleveland
Boethel	Cockrell
Boyd	Coleman
Bradbury	Colquitt
Bradford	Colson, Mrs.
Bray	Cornett
Bridgers	Corry
Brown of Cherokee	Crossley
Brown	Daniel
of Nacogdoches	Davis of Jasper

Davis of Upshur	McMurry
Dickison	McNamara
Dwyer	Mohrmann
Faulkner	Monkhouse
Felty	Montgomery
Ferguson	Morris
Fielden	Newell
Fuchs	Nicholson
Galbreath	Pace
Goodman	Petsch
Gordon, Mrs.	Pevehouse
Hale	Ragsdale
Hamilton	Reader of Bexar
Hardeman	Reader of Erath
Hardin	Reaves
Harp	Reed
Harper	Rhodes
Harrell of Bastrop	Riviere
Harris	Roach
Heflin	Roberts
Holland	Russell
Howard	Schuenemann
Howington	Skiles
Hunt	Smith of Frio
Isaacks	Smith of Hopkins
Johnson of Ellis	Smith
Johnson of Tarrant	of Matagorda
Keith	Spencer
Kennedy	Stinson
Kern	Stoll
Kersey	Taylor
Kinard	Tennant
King	Thornberry
Langdon	Vint
Lehman	Voigt
Leonard	Waggoner
Leyendecker	Weldon
Lock	Westbrook
Loggins	White
London	Wilson
McAlister	Winfree
McDaniel	Wood
McDonald	Worley
McFarland	Wright

## Nays—10

Allison	Hankamer
Boyer	Little
Broadfoot	Robinson
Donaghey	Thornton
Gilmer	Vale

## Absent

Bond	Oliver
Derden	Pope
Harrell of Lamar	Shell
Hartzog	Tarwater
Kerr	Turner
Mays	

## Absent—Excused

Blankenship	Dickson
Dean	Dowell

Hull	Talbert
Piner	Wells
Segrist	

The Speaker then laid House Bill No. 912 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—113

Alsup	Howington
Anderson	Hull
Bailey	Hunt
Baker	Isaacks
of Fort Bend	Johnson of Ellis
Bell	Johnson of Tarrant
Boethel	Keith
Bond	Kennedy
Boyd	Kern
Bradbury	Kersey
Bradford	Kinard
Bray	King
Brown of Cherokee	Langdon
Brown	Lehman
of Nacogdoches	Leonard
Bundy	Leyendecker
Burkett	Lock
Burney	Loggins
Cauthorn	London
Celaya	McDonald
Chambers	McFarland
Clark	McMurry
Cleveland	McNamara
Cockrell	Mohrmann
Coleman	Monkhouse
Colquitt	Montgomery
Colson, Mrs.	Morris
Cornett	Newell
Corry	Nicholson
Crossley	Pace
Daniel	Petsch
Davis of Jasper	Pevehouse
Davis of Upshur	Ragsdale
Dickison	Reader of Bexar
Dwyer	Reader of Erath
Faulkner	Reaves
Felty	Reed
Ferguson	Rhodes
Fuchs	Riviere
Galbreath	Roach
Goodman	Roberts
Gordon, Mrs.	Russell
Hale	Schuenemann
Hamilton	Skiles
Hardeman	Smith of Frio
Hardin	Smith of Hopkins
Harp	Smith
Harper	of Matagorda
Harrell of Bastrop	Spencer
Harris	Stinson
Heflin	Stoll
Holland	Taylor

Tennant	White
Thornberry	Wilson
Vint	Winfree
Waggoner	Wood
Weldon	Worley
Westbrook	Wright

Nays—12

Allen	Hankamer
Allison	Little
Boyer	McAlister
Broadfoot	Robinson
Donaghey	Thornton
Gilmer	Vale

Present—Not Voting

Bridgers

Absent

Baker of Grayson	McDaniel
Derden	Oliver
Fielden	Pope
Harrell of Lamar	Shell
Hartzog	Tarwater
Kerr	Turner
Mays	Voigt

Absent—Excused

Blankenship	Piner
Dean	Segrist
Dickson	Talbert
Dowell	Wells
Howard	

Mr. Bell moved to reconsider the vote by which House Bill No. 912 was passed, and to table the motion to reconsider.

The motion to table prevailed.

## RELATIVE TO HOUSE BILL NO. 978

On motion of Mr. London, and by unanimous consent of the House, the caption of House Bill No. 978 was ordered amended to conform to all changes, and with the body of the bill.

## MESSAGE FROM THE SENATE

Austin, Texas, April 14, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

H. B. No. 633, A bill to be entitled "An Act providing for the execution of an agreement to extend the Interstate Compact to Conserve Oil and Gas; prescribing the form of the

agreement, and declaring an emergency."

S. B. No. 392, A bill to be entitled "An Act authorizing cities eligible under the terms of this Act to fund certain indebtedness outstanding on January 1, 1939; prescribing the method and procedure for issuance of funding bonds and warrants; validating such outstanding indebtedness not in litigation at the time this Act becomes effective; providing that this Act shall be cumulative of all other Acts but that its provisions shall prevail in the event of conflict with other laws; enacting provisions incident to and relating to the subject, and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

## MESSAGE FROM THE SENATE

Austin, Texas, April 14, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on House Bill No. 170, by the following vote: Yeas, 27; Nays, 0.

Respectfully,

BOB BARKER,

Secretary of the Senate.

## SPECIAL ORDER SET

Mr. Reader of Bexar moved that House Bill No. 223 be set as a special order for 10:30 o'clock a. m., next Tuesday.

The motion prevailed by the following vote:

Yeas—102

Allen	Brown
Allison	of Nacogdoches
Alsup	Bundy
Anderson	Burkett
Bailey	Burney
Baker	Cauthorn
of Fort Bend	Celaya
Baker of Grayson	Clark
Bell	Cleveland
Boethel	Cockrell
Bond	Coleman
Boyd	Colson, Mrs.
Boyer	Cornett
Bradbury	Corry
Bradford	Crossley
Broadfoot	Daniel

Dickison	McFarland
Donaghey	McMurry
Dwyer	McNamara
Faulkner	Mohrmann
Felty	Montgomery
Fielden	Morris
Fuchs	Newell
Galbreath	Nicholson
Gilmer	Oliver
Goodman	Pace
Gordon, Mrs.	Petsch
Hale	Pevehouse
Hamilton	Ragsdale
Hankamer	Reader of Bexar
Hardin	Reader of Erath
Harp	Reed
Harper	Rhodes
Harrell of Bastrop	Riviere
Harris	Roach
Heflin	Roberts
Holland	Russell
Howard	Shell
Hunt	Skiles
Isaacks	Smith of Frio
Johnson of Ellis	Smith of Hopkins
Johnson of Tarrant	Smith
Keith	of Matagorda
Kersey	Stinson
Kinard	Stoll
King	Thornberry
Lehman	Vale
Leyendecker	Vint
Loggins	Westbrook
London	Wilson
McAlister	Worley
McDaniel	Wright
McDonald	

## Nays—18

Bray	Langdon
Brown of Cherokee	Robinson
Chambers	Spencer
Davis of Jasper	Tarwater
Davis of Upshur	Taylor
Ferguson	Tennant
Howington	Thornton
Kennedy	Weldon
Kern	Wood

## Absent

Bridgers	Mays
Colquitt	Monkhouse
Derden	Pope
Hardeman	Reaves
Harrell of Lamar	Schuenemann
Hartzog	Turner
Kerr	Voigt
Leonard	Waggoner
Little	White
Lock	Winfree

## Absent—Excused

Blankenship	Dickson
Dean	Dowell

Hull	Talbert
Piner	Wells
Segrist	

## RELATIVE TO HOUSE BILL NO. 910

Mr. Rhodes asks unanimous consent to strike "or any subsequent Federal Census," wherever it may occur in House Bill No. 910.

There was no objection offered, and it was so ordered.

## RELATIVE TO HOUSE BILL NO. 948

On motion of Mr. Cleveland, and by unanimous consent of the House, the caption of House Bill No. 948 was ordered amended to conform to all changes made in the body of the bill.

## ADOPTION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 170

Mr. Holland submitted the following Conference Committee Report on House Bill No. 170:

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House.

Hon. Coke R. Stevenson, President of the Senate.

Sirs: We, your Free Conference Committee, to whom was referred

H. B. No. 170, A bill to be entitled "An Act providing for a more adequate and equitable salary for County Superintendents of Public Instruction in all those counties of Texas coming within the brackets and population figures herein, specifically in all those counties having not less than fifty thousand (50,000) and not more than fifty thousand, one hundred (50,100), and in counties having a population of not less than thirty-eight thousand, seven hundred and sixty-five (38,765) and not more than thirty-eight thousand, seven hundred and seventy-five (38,775); and in counties having a population of not less than twenty-nine thousand, two hundred and ten (29,210) and not more than twenty-nine thousand, six hundred and thirty (29,630), and in counties having a population of not less than seventy-seven thousand, seven hundred and fifty (77,750) and not more than seventy-seven thousand, eight hundred (77,800), and in counties having a population of not less

than twenty-two thousand, five hundred and ninety (22,590) and not more than twenty-two thousand, eight hundred and eighty (22,880), and in counties having a population of not less than fourteen thousand, five hundred and fifty (14,550) and not more than fourteen thousand, eight hundred (14,800), and in counties having a population of not less than twenty thousand (20,000) and not more than twenty thousand and fifty (20,050), according to the last preceding Federal Census; modifying all laws or parts of laws in conflict herewith; making the Act cumulative of the General Law, and declaring an emergency."

Appointed to adjust the differences between the two Houses on House Bill No. 170, beg to recommend that said bill be passed in the form and text as submitted herewith:

ROBERTS,  
VAN ZANDT,  
COLLIE,  
HARDIN,  
HEAD,

On the part of the Senate.

SMITH of Hopkins,  
HARTZOG,  
DERDEN,  
THORNBERRY,  
HOLLAND,

On the part of the House.

H. B. No. 170

#### A BILL

#### To Be Entitled

An Act providing for a more adequate and equitable salary and certain expenses for County Superintendents of Public Instruction in counties of Texas having a population of not less than fifty thousand (50,000) and not more than fifty-one thousand (51,000) according to the last preceding Federal Census; in counties having a population of not less than thirty-eight thousand, seven hundred and sixty-five (38,765) and not more than thirty-eight thousand, seven hundred and seventy-five (38,775) according to the last preceding Federal Census; in counties having a population of not less than twenty-nine thousand, two hundred and ten (29,210) and not more than twenty-nine thousand, six hundred and thirty (29,630) according to the last preceding Federal Census; in counties having a population of not less

than seventy-seven thousand, seven hundred and fifty (77,750) and not more than seventy-seven thousand, eight hundred (77,800) according to the last preceding Federal Census; in counties having a population of not more than seventy thousand (70,000) according to the last preceding Federal Census and having at least two incorporated cities within their boundary, a population of more than thirteen thousand, eight hundred (13,800) each, according to the last preceding Federal Census; in counties having a population of not less than twenty thousand (20,000) and not more than twenty thousand and fifty (20,050), according to the last preceding Federal Census; in all counties in Texas having not less than twenty-three thousand, three hundred (23,300), nor more than twenty-three thousand, four hundred (23,400) population, according to the last preceding Federal Census; in all counties having not less than seventeen thousand, six hundred (17,600), nor more than seventeen thousand, six hundred and fifty (17,650) population according to the last preceding Federal Census; in all counties having not less than fifteen thousand, seven hundred (15,700) nor more than fifteen thousand seven hundred and thirty (15,730) population according to the last preceding Federal Census; in counties having a population of not less than thirty thousand, two hundred and seventy-five (30,275) nor more than thirty thousand, three hundred (30,300) according to the last preceding Federal Census; in counties having not less than eighteen thousand (18,000) nor more than eighteen thousand, five hundred (18,500) according to the last preceding Federal Census; providing office and traveling expenses in certain counties; modifying all laws or parts of laws in conflict herewith; making the Act cumulative of the General Laws; providing a savings clause, and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. From and after the passage of this Act in all counties of the State of Texas having a population of not less than fifty thousand (50,000) and not more than fifty-one

thousand (51,000) according to the last preceding Federal Census, the salary of the County Superintendent of Public Instruction shall be not less than Three Thousand, Three Hundred (\$3,300) Dollars nor more than Three Thousand, Six Hundred (\$3,600) Dollars per annum to be fixed by order of the Board of Education of such counties; and in counties having a population of not less than thirty-eight thousand, seven hundred and sixty-five (38,765), and not more than thirty-eight thousand, seven hundred and seventy-five (38,775) according to the last preceding Federal Census, the salary of the County Superintendent of Public Instruction shall be Three Thousand, Three Hundred (\$3,300) Dollars per annum; all counties in this State which have a population of not less than twenty-nine thousand, two hundred and ten (29,210) and not more than twenty-nine thousand, six hundred and thirty (29,630), according to the last preceding Federal Census, the salary of the County Superintendent of Public Instruction shall be Three Thousand (\$3,000) Dollars per year or Two Hundred and Fifty (\$250) Dollars per month, to be paid in accordance with and in the manner as provided by General Law governing the maintenance of the office of County Superintendent, as provided in Article 2700, Revised Civil Statutes of Texas of 1925.

Sec. 2. In counties having a population of not less than seventy-seven thousand, seven hundred and fifty (77,750) and not more than seventy-seven thousand, eight hundred (77,800), according to the last preceding Federal Census, the salary of the County Superintendent of Public Instruction shall be Three Thousand, Six Hundred (\$3,600) Dollars per annum. Such salary shall be paid in accordance with existing laws governing such office.

Sec. 3. From and after the passage of this Act in all counties of the State of Texas having a population of not more than seventy thousand (70,000) according to the last preceding Federal Census and having at least two incorporated cities within their boundary with a population of more than thirteen thousand eight hundred (13,800) each according to the last preceding Federal Census, the salary of the County Superintendent of Public Instruction shall be not less than the sum of Two Thousand Eight

Hundred (\$2,800) Dollars per annum nor more than the sum of Three Thousand, Eight Hundred (\$3,800) Dollars per annum to be fixed by the County Board of Education of each of such counties, and in making the annual per capita apportionment to the schools of such counties, the County Board of Education of such counties shall make an annual allowance out of the State and County available school funds for the payment of the salary of the Superintendents of Public Instruction for such counties; and in addition thereto, office expenses of an amount not in excess of Three Hundred (\$300.00) Dollars per annum for stamps, stationery and telephone; and said County Board of Education is also authorized to allow for traveling expenses of such County Superintendents a sum not in excess of Three Hundred (\$300) Dollars per annum to defray the expenses incurred by such County Superintendents which said sum shall be paid by said County Board of Education upon certificate of such superintendents that the expenses have been incurred in the discharge of his duties as such superintendents and the salary and expenses herein provided to be paid monthly upon the order of the school trustees; providing that the salaries for the month of September shall not be paid until the County Superintendent of Public Instruction shall have presented a receipt or certificate from the State Superintendent of Public Instruction showing that he has made all reports required of him, that the expenses provided for herein shall be paid monthly by the County Treasurer on the order of the County Board of Education.

Sec. 4. In counties having a population of not less than twenty thousand (20,000) and not more than twenty thousand and fifty (20,050), according to the last preceding Federal Census, the salary of the County Superintendent of Public Instruction shall be not less than the sum of Two Thousand, Five Hundred Dollars (\$2,500) per annum nor more than the sum of Three Thousand, Two Hundred Dollars (\$3,200) per annum, the amount of which salary shall be fixed by order of the County Board of Education for the respective counties, and the County Board of Education for each county coming within this sec-

tion shall, by order entered in its Minutes, set the salary for each of the respective counties. The salary allowed shall be paid in the manner and in accordance with existing laws governing the office of the County Superintendent of Public Instruction.

Sec. 5. That the salary of the County Superintendent of Public Instruction in all Counties in Texas having not less than twenty-three thousand three hundred (23,300), nor more than twenty-three thousand four hundred (23,400) population, according to the last preceding Federal Census, and in all counties having not less than seventeen thousand six hundred (17,600), nor more than seventeen thousand six hundred and fifty (17,650) population according to the last preceding Federal Census; in all counties having not less than fifteen thousand seven hundred (15,700) nor more than fifteen thousand seven hundred and thirty (15,730) population according to the last preceding Federal Census shall be from and after the effective date of this Act Two Thousand Six Hundred (\$2,600.00) Dollars per year to be paid in twelve equal payments out of the State and County available school fund of such counties.

Sec. 6. From and after the passage of this Act in all counties of the State of Texas having a population of not more than Thirty Thousand Three Hundred (30,300) nor less than thirty thousand, two hundred and seventy-five (30,275) according to the last preceding Federal census, shall be not less than the sum of Two Thousand Four Hundred (\$2,400) Dollars per annum nor more than the sum of Three Thousand Two Hundred (\$3,200) Dollars per annum to be fixed by the County Board of Education of each of such counties, and in making the annual per capita apportionment to the schools of such counties, the County Board of Education of such counties shall make an annual allowance out of the State and County available school funds for the payment of the salary of the superintendent of public instruction for such counties payable in twelve equal payments out of the State and County available school fund of such counties.

Sec. 7. In all counties having a population of not less than Eighteen Thousand (18,000) and not more than Eighteen Thousand Five Hundred

(18,500) according to the last preceding Federal Census, the County Board of Education, shall in addition to the salaries and expenses fixed by law allow not to exceed the sum of Three Hundred (\$300) Dollars per annum the actual traveling expenses of such County Superintendents made in the performance of duty as County Superintendent and to be paid out of the State and County Available School Fund of such County on order of the County Board of Education on such counties on the verified account of such County Superintendents.

Sec. 8. All laws and parts of laws, whether here referred to by Article, Title or Number or not, General or Special, in conflict herewith, are hereby modified and limited to the extent that they are not to be controlling, but the specific provisions of this Act shall be controlling in the counties to which it is made applicable. The provisions of this Act are cumulative of the General Law on the subject, and where not otherwise modified hereby such General Laws are made applicable.

Sec. 9. If any section, sub-section, paragraph, clause, or sentence of this act be held for any reason invalid, such validity shall not affect the remaining portions of the Act, and the legislature hereby declares that it would have enacted such remaining portions with the omission of those parts held invalid.

Sec. 10. The fact that the County Superintendents of Public Instruction in the counties to which this Act is made applicable have multiplied duties, teachers to supervise, and districts in sections which require much travel in the full performance of their duties, creates an emergency and an imperative public necessity requiring the suspension of the Constitutional Rule that bills be read on three several days, and the said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

On motion of Mr. Holland the report was adopted by the following vote:

Yeas—123

Allen	Bailey
Allison	Baker
Alsup	of Fort Bend
Anderson	Bell

Boethel	Kern
Boyd	Kersey
Boyer	Kinard
Bradbury	King
Bradford	Langdon
Bray	Lehman
Bridgers	Leonard
Brown of Cherokee	Little
Brown	Lock
of Nacogdoches	Loggins
Bundy	London
Burkett	McAlister
Burney	McDaniel
Cauthorn	McDonald
Celaya	McFarland
Chambers	McMurry
Clark	McNamara
Cleveland	Mohrmann
Cockrell	Monkhouse
Coleman	Montgomery
Colquitt	Morris
Colson, Mrs.	Newell
Cornett	Nicholson
Corry	Pace
Crossley	Petsch
Daniel	Pevehouse
Davis of Jasper	Pope
Davis of Upshur	Reader of Erath
Derden	Reaves
Dickison	Reed
Donaghey	Rhodes
Faulkner	Riviere
Felty	Roach
Ferguson	Roberts
Fielden	Robinson
Fuchs	Russell
Galbreath	Schuenemann
Gilmer	Shell
Goodman	Smith of Frio
Gordon, Mrs.	Smith of Hopkins
Hale	Smith
Hamilton	of Matagorda
Hankamer	Spencer
Hardeman	Stinson
Hardin	Stoll
Harp	Tarwater
Harper	Taylor
Harrell of Bastrop	Thornberry
Harrell of Lamar	Thornton
Harris	Turner
Hartzog	Vale
Heflin	Vint
Holland	Voigt
Howington	Weldon
Hunt	Westbrook
Isaacks	Wilson
Johnson of Ellis	Wood
Johnson of Tarrant	Worley
Kennedy	Wright

## Nays—4

Baker of Grayson	Keith
Broadfoot	Waggoner

## Absent

Bond	Ragsdale
Dwyer	Reader of Bexar
Kerr	Skiles
Leyendecker	Tennant
Mays	White
Oliver	Winfrey

## Absent—Excused

Blankenship	Hull
Dean	Piner
Dickson	Segrist
Dowell	Talbert
Howard	Wells

Mr. Holland moved to reconsider the vote by which the report was adopted and to table the motion to reconsider.

The motion to table prevailed.

#### ADOPTION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 517

Mr. Langdon submitted the following Conference Committee report on House Bill No. 517:

Austin, Texas, April 14, 1939.

Hon. Coke Stevenson, President of the Senate.

Hon. R. Emmett Morse, Speaker of the House

Sirs: We, your Conference Committee appointed to adjust the differences between the two Houses on House Bill No. 517, recommend that the bill be passed in form and text as submitted herewith.

Respectively submitted,

LEMENS,  
NELSON,  
STONE, of Washington,  
SHIVERS,  
HARDIN,

On the part of the Senate.

HAMILTON,  
RUSSELL,  
PEVEHOUSE,  
TAYLOR,  
LANGDON,

On the part of the House.

#### AMENDMENT TO COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 517

Amend Committee Substitute for House Bill No. 517 by striking out all below the enacting clause and by inserting in lieu thereof the following:

"Section 1. That from and after the effective date of this Act Senate Bill

No. 514, Chapter 101, Page 140 of the Special Laws of the Regular Session of the Forty-third Legislature, 1933, be amended so as to hereafter read as follow:

"Section 1. From and after the effective date of this Act, it is hereby declared to be unlawful for any person in this State to take, kill, or have in his possession for the purpose of barter or sale, any wild fox or pelts thereof, for a period of five (5) years from and after the passage of this Act in Navarro County.

"Sec. 2. That from and after the passage of this Act, it shall be unlawful for any person in this State to set a steel trap, snare or deadfall for the purpose of taking any fox in Navarro County.

"Sec. 3. Any person who violates any provision of this Act shall be deemed guilty of a misdemeanor, and upon conviction therefor shall be fined in any sum not less than Ten (\$10) Dollars nor more than One Hundred (\$100) Dollars, and each pelt sold in violation of this Act shall constitute a separate offense.

"Sec. 2. All laws and parts of laws in conflict herewith are hereby expressly repealed, and especially House Bill No. 60, Chapter 48, Page 99 of the General and Special Laws of the Forty-third Legislature, Third Called Session is repealed in so far as the same applies to Hill and Johnson Counties, it being the purpose of this amendment to take Hill and Johnson Counties out of the provisions of House Bill No. 60, and to take Hill, Johnson, and Bosque Counties out of the provisions of Senate Bill No. 514 as above set out, and to leave in said Acts the County of Navarro, as hereinabove amended.

"Sec. 3. The fact that the above laws include Hill, Johnson, and Bosque Counties; and the fact that said Counties do not desire to come under the provisions of said Acts; and the fact that it is not the purpose of this amendment to in any way affect the status of Navarro County named in Senate Bill No. 514 or House Bill No. 60, Chapter 48, Page 99 of the General and Special Laws of the Forty-third Legislature, Third Called Session; as amended by this act; and that the purpose of this Act is only to take from the provisions of the above-named Special Laws the Counties of

Hill, Johnson, and Bosque create an emergency and an imperative public necessity that the Constitutional Rule requiring that all bills be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

On motion of Mr. Langdon the report was adopted by the following vote:

Yeas—123

Allen	Hankamer
Allison	Hardeman
Alsup	Hardin
Anderson	Harp
Bailey	Harper
Baker	Harrell of Bastrop
of Fort Bend	Harrell of Lamar
Baker of Grayson	Harris
Bell	Hartzog
Boethel	Heflin
Bond	Holland
Boyd	Howington
Boyer	Hunt
Bradbury	Isaacks
Bradford	Johnson of Ellis
Bray	Johnson of Tarrant
Bridgers	Keith
Broadfoot	Kennedy
Brown of Cherokee	Kern
Brown	Kersey
of Nacogdoches	Kinard
Bundy	King
Burkett	Langdon
Burney	Lehman
Cauthorn	Leonard
Celaya	Little
Chambers	Loggins
Clark	London
Cleveland	Mays
Cockrell	McAlister
Coleman	McDaniel
Colson, Mrs.	McDonald
Cornett	McMurry
Corry	McNamara
Crossley	Mohrmann
Daniel	Monkhouse
Davis of Jasper	Montgomery
Davis of Upshur	Morris
Dickison	Newell
Donaghey	Nicholson
Faulkner	Petsch
Ferguson	Pevehouse
Fielden	Pope
Fuchs	Reader of Bexar
Gilmer	Reader of Erath
Goodman	Reaves
Gordon, Mrs.	Reed
Hale	Rhodes
Hamilton	Riviere

Roach	Taylor
Roberts	Tennant
Robinson	Thornberry
Russell	Thornton
Schuenemann	Turner
Shell	Vint
Smith of Frio	Waggoner
Smith of Hopkins	Weldon
Smith	Westbrook
of Matagorda	Wilson
Spencer	Winfree
Stinson	Wood
Stoll	Worley
Tarwater	Wright

## Absent

Colquitt	McFarland
Derden	Oliver
Dwyer	Pace
Felty	Ragsdale
Galbreath	Skiles
Kerr	Vale
Leyendecker	Voigt
Lock	White

## Absent—Excused

Blankenship	Hull
Dean	Piner
Dickson	Segrist
Dowell	Talbert
Howard	Wells

#### ADOPTION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 813

Mr. Langdon submitted the following Conference Committee Report on House Bill No. 813:

Committee Room,

Austin, Texas, April 14, 1939.

Hon. Coke Stevenson, President of the Senate.

Hon. R. Emmett Morse, Speaker of the House.

Sirs: We, your Conference Committee, appointed to adjust the differences between the two Houses on House Bill No. 813, recommend that the bill be passed in form and text as submitted herewith.

Respectfully submitted,

LEMENS,  
WINFIELD,  
METCALFE,  
GRAVES,

On the part of the Senate.

BURNEY,  
READER of Erath,  
RUSSELL,  
BAILEY,  
LANGDON,

On the part of the House.

H. B. No. 813

#### A BILL

#### To Be Entitled

An Act making it unlawful to hunt, shoot, or kill any deer or wild turkey for a period of five (5) years in Somervell, Bosque, Coryell, Hamilton, Erath, Hood, and Johnson Counties, Texas; fixing a penalty; repealing all laws or parts of laws in conflict herewith in so far as they apply to such counties, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. It shall be unlawful to hunt, shoot, or kill any deer or wild turkey in Somervell, Bosque, Coryell, Hamilton, Erath, Hood, and Johnson Counties for a period of five (5) years, from and after the passage of this Act.

Sec. 2. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than Ten (\$10) Dollars nor more than One Hundred (\$100) Dollars.

Sec. 3. All laws or parts of laws in conflict herewith are hereby expressly repealed in so far as they apply to the counties specifically named in Section 1 of this Act.

Sec. 4. The fact that deer and wild turkey are being exterminated in Somervell, Bosque, Coryell, Hamilton, Erath, Hood, and Johnson Counties creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

On motion of Mr. Langdon, the report was adopted by the following vote:

Yeas—118

Allen	Boyd
Allison	Boyer
Alsup	Bradbury
Anderson	Bradford
Bailey	Bray
Baker	Broadfoot
of Fort Bend	Brown of Cherokee
Baker of Grayson	Brown
Bell	of Nacogdoches
Boethel	Bundy
Bond	Burkett

Burney	Loggins
Cauthorn	McAlister
Celaya	McDaniel
Chambers	McDonald
Clark	McMurry
Cleveland	McNamara
Cockrell	Mohrmann
Coleman	Monkhouse
Colson, Mrs.	Montgomery
Cornett	Morris
Corry	Newell
Crossley	Nicholson
Daniel	Petsch
Davis of Jasper	Pevehouse
Davis of Upshur	Pope
Dickison	Reader of Erath
Donaghey	Reaves
Faulkner	Reed
Felty	Rhodes
Ferguson	Riviere
Fielden	Roach
Fuchs	Roberts
Galbreath	Robinson
Gilmer	Russell
Goodman	Schuenemann
Gordon, Mrs.	Shell
Hale	Smith of Frio
Hamilton	Smith of Hopkins
Hardeman	Smith
Hardin	of Matagorda
Harper	Spencer
Harrell of Bastrop	Stinson
Harrell of Lamar	Stoll
Harris	Tarwater
Heflin	Taylor
Holland	Tennant
Howington	Thornberry
Hunt	Thornton
Isaacks	Turner
Johnson of Ellis	Vale
Johnson of Tarrant	Vint
Keith	Waggoner
Kennedy	Weldon
Kern	Westbrook
King	Wilson
Langdon	Winfree
Lehman	Wood
Leonard	Worley
Little	Wright
Lock	

Present—Not Voting

Kersey

Absent

Bridgers	Kinard
Colquitt	Leyendecker
Derden	London
Dwyer	Mays
Hankamer	McFarland
Harp	Oliver
Hartzog	Pace
Kerr	Ragsdale

Reader of Bexar	Voigt
Skiles	White
Absent—Excused	
Blankenship	Hull
Dean	Piner
Dickson	Segrist
Dowell	Talbert
Howard	Wells

# RELATIVE TO HOUSE BILL NO. 971

Mr. Harper moved to reconsider the vote by which House Bill No. 971 was passed.

The motion to reconsider prevailed.

Mr. White then offered the following amendments to the bill:

Amend House Bill No. 971, by striking out the first paragraph of Section 1, and inserting in lieu thereof, the following:

"That from and after January 1st, 1941, in all counties in this State having a population of not less than 48,530 and not more than 48,930, according to the last preceding Federal Census."

Amend the caption of House Bill No. 971 to conform to the changes, and to the body of the bill.

The amendments were severally adopted.

House Bill No. 971 was then passed by the following vote:

Yeas—120

Allen	Cauthorn
Allison	Celaya
Alsup	Chambers
Anderson	Clark
Bailey	Cleveland
Baker	Cockrell
of Fort Bend	Coleman
Baker of Grayson	Colquitt
Bell	Colson, Mrs.
Boethel	Cornett
Bond	Crossley
Boyd	Daniel
Boyer	Davis of Upshur
Bradbury	Dickison
Bradford	Donaghey
Bray	Faulkner
Broadfoot	Ferguson
Brown of Cherokee	Fielden
Brown	Fuchs
of Nacogdoches	Galbreath
Bundy	Gilmer
Burkett	Goodman
Burney	Gordon, Mrs.

Hale	Newell
Hamilton	Nicholson
Hankamer	Oliver
Hardeman	Petsch
Hardin	Pevehouse
Harp	Pope
Harper	Reader of Erath
Harrell of Bastrop	Reaves
Harrell of Lamar	Reed
Harris	Rhodes
Hartzog	Riviere
Heflin	Roach
Holland	Roberts
Howington	Robinson
Hunt	Russell
Isaacks	Schuenemann
Johnson of Ellis	Shell
Johnson of Tarrant	Smith of Frio
Keith	Smith of Hopkins
Kennedy	Smith
Kern	of Matagorda
Kersey	Spencer
Kinard	Stinson
King	Stoll
Langdon	Tarwater
Lehman	Taylor
Leonard	Tennant
Little	Thornberry
Lock	Thornton
Loggins	Turner
McAlister	Vale
McDaniel	Vint
McDonald	Weldon
McFarland	Westbrook
McMurry	Wilson
McNamara	Winfree
Monkhouse	Wood
Montgomery	Worley
Morris	

## Absent

Bridgers	Mohrmann
Corry	Pace
Davis of Jasper	Ragsdale
Derden	Reader of Bexar
Dwyer	Skiles
Felty	Voigt
Kerr	Waggoner
Leyendecker	White
London	Wright
Mays	

## Absent—Excused

Blankenship	Hull
Dean	Piner
Dickson	Segrist
Dowell	Talbert
Howard	Wells

## HOUSE BILL NO. 365 WITH SENATE AMENDMENTS

Mr. Boyer called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 365, A bill to be entitled "An Act authorizing the Commissioners' Court of any county having a population of not less than four thousand, six hundred and thirty-seven (4,637) and not more than four thousand, seven hundred (4,700) inhabitants, according to the last preceding Federal Census, to allow each County Commissioner the sum of Twenty-five (\$25.00) Dollars per month for traveling expenses; providing for the source of payment of such expenses, and declaring an emergency."

On motion of Mr. Boyer, the House concurred in the Senate amendments by the following vote:

Yeas—113

Allen	Fuchs
Allison	Galbreath
Alsup	Gilmer
Anderson	Gordon, Mrs.
Bailey	Hale
Baker	Hamilton
of Fort Bend	Hankamer
Baker of Grayson	Hardin
Bond	Harp
Boyd	Harper
Boyer	Harrell of Bastrop
Bradbury	Harrell of Lamar
Bradford	Harris
Bray	Hartzog
Brown of Cherokee	Holland
Bundy	Howington
Burkett	Hunt
Burney	Isaacks
Cauthorn	Johnson of Ellis
Chambers	Johnson of Tarrant
Clark	Keith
Cleveland	Kennedy
Cockrell	Kern
Coleman	Kersey
Colquitt	Kinard
Colson, Mrs.	King
Cornett	Langdon
Crossley	Lehman
Daniel	Little
Davis of Jasper	Lock
Davis of Upshur	Loggins
Dickison	McAlister
Faulkner	McDaniel
Felty	McDonald
Ferguson	McFarland
Fielden	McMurry

McNamara	Smith
Mohrmann	of Matagorda
Monkhouse	Spencer
Montgomery	Stinson
Morris	Stoll
Newell	Tarwater
Nicholson	Taylor
Oliver	Tennant
Petsch	Thornberry
Pevehouse	Thornton
Pope	Turner
Reader of Erath	Vale
Reed	Vint
Rhodes	Waggoner
Riviere	Weldon
Roach	Westbrook
Roberts	Wilson
Robinson	Winfree
Russell	Wood
Schuenemann	Worley
Smith of Frio	Wright
Smith of Hopkins	

## Present—Not Voting

Brown  
of Nacogdoches

## Absent

Bell	Leonard
Boethel	Leyendecker
Bridgers	London
Broadfoot	Mays
Celaya	Pace
Corry	Ragsdale
Derden	Reader of Bexar
Donaghey	Reaves
Dwyer	Shell
Goodman	Skiles
Hardeman	Voigt
Heflin	White
Kerr	

## Absent—Excused

Blankenship	Hull
Dean	Piner
Dickson	Segrist
Dowell	Talbert
Howard	Wells

## MESSAGE FROM THE SENATE

Austin, Texas, April 14, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has adopted

S. C. R. No. 14, Granting permission to S. D. Evans, et al to sue Bastrop County.

The Senate has passed

S. B. No. 6, A bill to be entitled "An Act declaring the floods of Har-

ris County, Texas, to be a public calamity; authorizing a donation and grant to Harris County Flood Control District of one-half of the State ad valorem taxes collected in Harris County for flood control improvement and maintenance purposes, etc., and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

BILLS AND RESOLUTIONS  
SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolutions:

H. C. R. No. 93, Authorizing certain correction in House Bill No. 391.

H. C. R. No. 97, Recalling House Bill No. 906 from the Senate.

S. C. R. No. 36, Suspending Joint Rules of the House and Senate.

H. B. No. 84, "An Act so as to make it unlawful for any person to place, set, drag or use any seine, net or other device for taking fish and shrimp other than the ordinary pole and line, casting rod and reel, artificial bait, trot line, set line or cast net with a spread of not more than nine (9) feet, or a minnow seine of not more than twenty (20) feet in length for catching bait or have in his possession any seine, net or trawl without a permit issued by the Game, Fish and Oyster Commission, in or on the waters of Matagorda Bay east of the Colorado River, providing for the use of spear or gig and light for taking flounder in these waters, repealing all laws or parts of laws in conflict herewith; providing when this Act shall take effect; providing for confiscation of nets, seines and other tackle for evidence and providing for penalties, and declaring an emergency."

H. B. No. 564, "An Act amending Subdivision (b) of the first paragraph of Article 2529 of the Revised Statutes of Texas, amended by Acts of 1937, Forty-fifth Legislature, page 319, Chapter 164, Section 1, so as to henceforth include within its provisions bonds issued by the Federal Farm Mortgage Corporation and consolidated Federal Land Bank bonds, declaring that all laws in conflict herewith

are hereby repealed, fixing the effective date of this Act, and declaring an emergency."

H. B. No. 461, "An Act providing for the amount of salary that may be paid by County Boards of Trustees to the County Superintendent of Public Instruction in counties with a population of not less than eighteen thousand, seven hundred and sixty (18,760) and not more than eighteen thousand, nine hundred and sixty (18,960), according to the last preceding Federal Census; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 883, "An Act to amend Article 6704 of the Revised Civil Statutes of Texas by adding thereto a new subdivision to be known as subdivision 4, permitting, empowering and authorizing the Commissioner's Court of any county containing a population of not less than five thousand, six hundred ninety (5,690) nor more than five thousand, seven hundred fifty (5,750), according to the last preceding Federal Census, to construct cattle guards on any or all of the first class, second class, or third class roads within their respective counties in accordance with plans and specifications prepared and approved by the Commissioner's Court of said County, and further permitting, authorizing and empowering said Commissioner's Court to construct said cattle guards on any such roads and pay therefor out of the road and bridge funds of said County and making it a penal offense for anyone to construct any cattle guard on such roads not in accordance with said approved plans and specifications as prepared and approved by said Commissioners' Court; providing a suitable penalty therefor, and declaring an emergency."

H. B. No. 166, "An Act to amend Senate Bill No. 249, Chapter 122, of the General Laws passed by the Regular Session of the Thirty-eight Legislature, and approved March 23, 1923, being Article 2797 of the Revised Civil Statutes of 1925, providing for the issuance of serial coupon bonds for school purposes; authorizing such bonds to be issued by the Board of Trustees of any city or town which has assumed the control of its public free schools, or shall hereafter assume control thereof, where control

of such schools is exercised through a Board of Trustees; providing for the calling and holding of election to authorize issuance of such bonds, and the issuance thereof in form and manner authorized in respect of independent school districts proper; providing for the levy and collection of tax necessary for the service of such bonds; providing that such bonds shall be the obligations of the city or town in its capacity as a school district proper and that any limitation in the amount of bonded indebtedness permitted such city or town contained in the charter of such city or town, or in other provision of law, general or special, shall not apply to the issuance of such bonds; repealing all laws and parts of laws, general and special, in conflict herewith; and declaring an emergency."

H. B. No. 892, "An Act providing for the excluding of lands from water improvement districts and from water control and improvement districts where such land is not of such nature as to be subject to irrigation in a practicable manner, upon application of the owner of such land, by the Board of Directors of such district, with the consent of ninety-five (95%) per cent of the bondholders holding bonds payable from taxes levied within such district, and provided a like amount of irrigable land is added to such district upon the application of the owner thereof at the time of excluding land not subject to irrigation in a practicable manner, and declaring an emergency."

H. B. No. 873, "An Act making provisions for salaries of chief deputy in the office of sheriff, tax collector and assessor in certain counties; authorizing Commissioners' Court to pay salaries; providing mode and manner of paying salaries; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 142, "An Act providing that persons, firms, or corporations, who operate or conduct hotels, cafes, restaurants, dining cars, or other public eating places, bakeries, and meat markets in this State, shall not work, employ or keep in their employ any person who is infected with or affected by any infectious or contagious disease; and further providing that such persons, firms, or corporations

or common carriers, operating or conducting any public eating place heretofore named or operating any bakery, or meat market, public dairy or dairies, or manufacturers of and vendors of candies or manufactured sweets, shall have made a medical inspection of all their employees at intervals of not more than six (6) months, and if such examination discloses the fact that any person in their employment is infected with or affected by any infectious or contagious disease, that such person shall be promptly discharged from such employment; providing it shall be unlawful for manufacturers or vendors of candies and manufactured sweets to consign, sell or furnish in any way said candies and manufactured sweets to individuals for the purpose of resale at their private residences who do not display valid health certificates for each member of the household and sanitary display show-cases; etc., and declaring an emergency."

#### SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 6, to the Committee on State Affairs.

Senate Bill No. 392, to the Committee on Municipal and Private Corporations.

#### CONCERT BY CHOIR OF TEXAS STATE COLLEGE FOR WOMEN

(In Joint Session)

In accordance with the provisions of House Concurrent Resolution No. 86, by Mr. Skiles, Inviting the choir of the Texas State College for Women to give a concert before the Legislature at 11:50 o'clock a. m., today, the Hon. Senators were announced at the Bar of the House and were escorted to seats prepared for them.

The choir of the Texas State College for Women was escorted to the Speaker's stand, by the following

committee: Messrs. Corry, Baker of Fort Bend, Blankenship, Cauthorn, McDonald, Thornton, Thornberry, Clark, Kennedy, Cornett, McMurry, Dwyer, Skiles and Johnson of Tarrant.

Speaker Morse presented Hon. Joe Skiles of Denton County, who introduced Dr. William E. Jones, Director of the Department of Music, of the Texas State College for Women.

The choir then rendered several selections under the direction of Mr. William E. Jones.

#### SENATE RETIRES

At the conclusion of the concert, the Senate retired to its Chamber.

#### INVITATION TO MEMBERS OF THE HOUSE

The Speaker presented Hon. Fred Felty of Bexar County, who extended an invitation to Members of the House, and their wives, to attend the Battle of Flowers in San Antonio, next Friday, April 21st.

On motion of Mr. Alsup, the invitation was unanimously accepted.

#### ADJOURNMENT

Mr. Kersey moved that the House recess until 2:30 o'clock p. m., today.

Mr. Anderson moved that the House adjourn until 10:00 o'clock a. m., next Monday.

The motion of Mr. Anderson prevailed, and the House, accordingly, at 12:30 o'clock p. m., adjourned until 10:00 o'clock a. m., next Monday.

#### APPENDIX

#### STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Counties: Senate Bills Nos. 308 and 429.

Public Lands and Buildings: House Bill No. 879.